

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHT DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 11974 of 2005

Between:

G.Sammaiah S/o. Pentaiah, R/o.Kotmarpally Marpally (M) R.R.District.

..... PETITIONER

A N D

- 1 Collector (Panchayat Wing) R.R.District at Hyderabad.
- 2 District Panchayat Officer R.R.District at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus; declaring the order of the Collector (Panchayat Wing) Rangareddy district, the first respondent herein, passed in Proc.No.B2/2036/2003 dt.12.4.2005 as arbitrary illegal and violative of Art.14 of the Constitution of India and consequently set aside the same and pass such other further order or orders.

Counsel for the Petitioner: MR.M.RAJENDER REDDY

Counsel for the Respondents: : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following : (order follows next page)

ORDER:

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This writ petition is filed questioning the impugned proceedings No.B2/2036/2004 dated 12-4-2005 of the first respondent suspending the petitioner under section 249 (6) of A.P. Panchayat Raj Act, 1994 from the Office of Sarpanch, Gram Panchayat, Kotmarpally (v), Marpally Revenue Mandal, Rangareddy district, for the irregularities committed by him in the administration of Gram Panchayat; namely, the petitioner misappropriated funds of Rs.16,045-00 GP funds, Rs.1,29,289-00 under EFC funds, Rs.71,000-00 SFC funds Drought funds, Rs.2,05,391-00 JGSY/SGRY funds and in all amounting to Rs.4,21,725-00.

Mr.M.Rajender Reddy, the learned counsel appearing for the petitioner seeks to contend that the impugned proceedings issued by the first respondent is liable to be set aside on the ground that the enquiry and valuation report of the Dy.Executive Engineer clearly shows that the works executed by the petitioner is to a tune of Rs.4,54,289-00 whereas the allegation of misappropriation is Rs.4,21,725-00. The impugned order passed by the first respondent indicates that the order is a substantive punishment in view of the fact that the first respondent categorically held that the petitioner had misappropriated an amount of Rs.4,21,725-00.

The learned counsel for the petitioner further submits that the order of the first respondent is not only biased but is also purely politically motivated which has been passed upon the instruction of certain inimical persons to the petitioner under political pressure.

Heard the learned counsel for the petitioner as well as the learned

Govt.Pleader for Panchayat Raj and Rural Development.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Panchayat Raj & Rural Development, the petitioner without availing the alternative remedy provided under section 264 of the AP Pachayat Raj Act, 1994 straightaway approached this court and filed the present writ petition, which is not maintainable. However, the petitioner is at liberty to pursue the appropriate remedies before the appropriate alternative forum as advised. Now the grievance of the petitioner does not have an adjudicative disposition before this Court under Article 226 of the Constitution of India.

The writ petition is misconceived and is accordingly dismissed. No costs.

JUNE 08th, 2005. -----

I S L ELIPE DHARMA RAO, J.

To

- 1 Collector (Panchayat Wing) R.R.District at Hyderabad.
- 2 District Panchayat Officer R.R.District at Hyderabad.
- 3 One CC to G.P. for Panchayat Raj & Rural Development, High Court Buildings, High Court of AP Hyderabad.
- 4 One CC to Mr.M.Rajender Reddy, Advocate, Bar Association, High Court Buildings, High Court of AP Hyderabad.
5. One CC to Mr.Sudershan Reddy, Advocate, Bar Association, High Court Buildings, High Court of AP Hyderabad.
6. Two CD copies.